Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at http://about.jstor.org/participate-jstor/individuals/early-journal-content.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

THE WORKING OF THE RECALL IN SEATTLE

By Fred Wayne Catlett,
Secretary to the Mayor of Seattle.

Diligent historians may be able to discover that the principle of the recall is not new, but was known and employed centuries ago. For practical purposes, however, it is exact enough to say that the recall is a new political device. As such, it has aroused the interest not only of students of government, but of citizens in all parts of the country. It is the awakened interest of these increasing classes which justifies the present description of this new device at work in Seattle.

Fortunately for the brevity of this discussion, the simplicity of the recall section of the Seattle charter renders an explanation of its provisions comparatively easy. "A petition signed by voters entitled to vote for a successor to the incumbent equal in number to at least twenty-five per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person to be removed," must be filed with the city comptroller, who is ex-officio city clerk. The petition must bear "a general statement of the grounds for which removal is sought." "The signatures need not be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number." "Any person competent to make affidavit may circulate" the petition and "shall make oath before an officer competent to administer oaths that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed." Ten days are allowed the city clerk to "check" the signatures by comparing them with the signatures in the registration books. After the comparison, he must attach a certificate "showing the result of the examination." If this certificate pronounces the petition "insufficient," ten days are allowed for the filing of a supplemental petition. If such a petition is filed, the clerk has ten days more to check it. His certificate then is final. If he declares the petition "insufficient," it is returned to the person filing it "without prejudice to the filing of a new petition."

If, on the contrary, he declares it "sufficient," his certificate to that effect goes to the city council at once, and that body must set the date for the election "not less than thirty days nor more than forty days from the date of the clerk's certificate." The usual election procedure follows. The incumbent's name is printed on the ballot, "unless he requests otherwise in writing," and the candidate receiving the highest number of votes at the election serves out the remainder of the incumbent's term.

The charter scheme, just detailed, showed itself incomplete at the first attempt to make use of it. In this emergency, the state legislature, then in session, was appealed to. It at once passed two acts—one providing a method of nominating opponents of the incumbent by petitions filed ten days before the election, signed by electors equal in number to not less than five per cent of the total vote cast for the incumbent against whom the recall is directed; the other permitting each candidate to appoint challengers for the various precinct polling places, one of whom is entitled to be within the voting place during the whole time the polls are open.

A statement of the bare machinery of the recall conveys, however, no adequate idea of the way it has operated in Seattle upon the two occasions when the law has been invoked. Assume, first, the existence of more or less feeling, either temporary or permanent, impulsive or deep-seated, against the incumbent of an office, and a number of persons for one reason or another moved to take advantage of that feeling. An organization is formed, funds collected, charges formulated, petitions printed, and placed in the hands of solicitors. The charges made are very general accusations of misconduct or maladministration, unsupported by any proof or statement of the evidence upon which the accusations are made. In fact precisely the same charges were made against Mayor George W. Dilling, the "recall mayor," as against Mayor Hiram C. Gill, whom he supplanted, although it was very difficult for the unprejudiced observer to discover any foundation for them without an extraordinary stretch of the imagination.

Below the charges, which head the petition, is the statement that the person signing is a voter entitled to vote for a successor to the incumbent, followed by spaces for from ten to fifty names, with precinct and ward numbers, house numbers and street addresses. At the bottom of each petition is an oath to be signed by the circulator

before a notary public or other person authorized to take oaths, to the effect that the statements made in the petition, viz., that each signer is a voter qualified to vote for a successor to the incumbent, that his or her residence (we have equal suffrage in Washington) is such and such a street and number, are true, and that each signature to the petition is the "genuine signature of the person whose name purports to be thereunto subscribed." Very apparently in a city of 250,000 people a great many, probably the great majority of the solicitors, could not know all the facts to which they were required to and did make oath. It is perhaps only fair to say that the oath required is unnecessarily strong and impracticable.

As the petitions are filled, they are collected by the association, and when it thinks it has the necessary number of names, it files the petitions with the city clerk. In the presence of representatives of the association the clerk goes over each separate petition, counting the names and tabulating the result. If it equals the required twenty-five per cent, the city comptroller puts a force of men at work "checking" the petition. The presence of at least the required number of names, assuming all to be genuine, is jurisdictional. The petition must be *prima facie* sufficient. If not, the petition is either returned with the filing marks canceled or the association is notified that it has ten days within which to complete the petition. This matter is not optional with the clerk; it is stated in the alternative because that very point is now in litigation.

The second attempted recall affected not only the mayor, but also four councilmen. Three councilmanic petitions were actually filed, but the association was under the mistaken impression that a sufficient petition need have only twenty-five per cent as many names as the particular councilman received votes. The charter read plainly, however, twenty-five per cent of the "entire vote for all candidates for the office," and all three petitions were rightly held *prima facie* "insufficient." At this point contradictory opinions of the corporation counsel's office caused confusion; at first, the filing marks were ordered canceled, and the recall association notified that the petitions were held subject to its order; later, and finally, the association was informed that it had ten days within which to file a supplemental petition, which it did not do. It did, later still, remove the petitions, and four months afterwards, on the last day of 1911, having secured enough additional signatures to render them *prima*

facie sufficient, it unexpectedly filed two of them. The comptroller began the check, but the corporation counsel, following the last ruling of his predecessor in office, held that those petitions previously filed, found insufficient, and not completed within ten days, could not be refiled. The new names alone were too few to give jurisdiction to check. Notwithstanding this, the comptroller sent the petitions to the city council, certifying each as sufficient "on its face." The city council, regarding such a certificate as void, voted to place the petitions on file. Then the association went into court, asking an alternative writ of mandamus against the city council and city comptroller. On demurrer, the court sustained the city council, holding the comptroller's certificate inadequate. The comptroller, however, was required to answer the complaint, with his reasons for failing to "check" the petitions. It is the pendency of this action which leaves in doubt the proper disposition of a petition filed, but *prima facie* insufficient.

If the petition is on its face sufficient, the comptroller checks it. Three checks are made, unless, of course, the petition be found sufficient on the first or second check. On the first check, all questionable signatures are thrown out; on the second and third checks, the points in dispute having been decided by the comptroller or his deputy, many signatures are restored. The alphabetical card index system of the comptroller is also used to locate voters who may have changed their precincts since registration. Though yet an open question whether such names should be counted, the corporation counsel ruled in favor of counting them on the ground that such voters had the necessary qualifications as voters, and could correct their registration before the election by getting transfers to the proper precinct.

The causes for the rejection of names upon the check are: no registration, illegible or forged signatures, improper addresses and, in the case of the women, signatures with the initials of the husband. (The women were practically all registered under their own first names or initials.) The parties interested always keep voluntary or paid workers to watch the checking.

If the check shows the petition deficient in the number of genuine signatures, ten days are allowed for the filing of a supplemental petition. As only two filings are contemplated by our charter, if, when it is checked, the supplemental petition does not supply the deficiency of the original petition, the attempted recall has failed.

If it does supply the required number, the comptroller certifies the petition as "sufficient" unless enough names have been withdrawn to render it still insufficient. The Seattle charter is silent about withdrawals, but the Supreme Court of Washington had upheld the right to withdraw names from an initiative petition up to the time of the final certificate, and the comptroller was advised to accept withdrawals in the case of the recall.

Given a sufficient petition, the recall election differs little, except in the heat and bitterness engendered, from an ordinary election. Nominations are made by petition in accordance with the state mentioned before. It is important to notice that Seattle has almost eliminated political partisanship from municipal elections. No party designation of any sort is permitted on the ballot. This is of great consequence, because Seattle is a strongly Republican city, and the efficiency of the recall would be distinctly lessened if partisan considerations could control its use or even enter into the discussion of the issues raised by it. The absence of partisanship permits the decision of the issues upon their merits. Given these conditions, plus a full and free discussion, and the deliberate judgment of the majority of the people upon the question of a recall is not to be feared by any honest official.

Of Seattle's two experiences with the recall, the first, or Gill recall, was successful; the second, or Dilling-Blaine-Kellogg-Wardall-Steiner recall, was unsuccessful so far as at present determined.

The first recall occurred in the fall and winter of 1910-11. Hiram C. Gill, a typical politician of the old school, had been elected mayor in March, 1910, on a platform which frankly contemplated the establishment of a restricted district. It was to be located, said Mr. Gill, in an obscure part of the city where only the man searching for it could find it. Public gambling would not be permitted, nor a return be made to the "open town." Although Mr. Gill has naturally maintained that he kept all his promises, the facts are against him. The restricted district was established conveniently near the business center. Vice was not segregated and confined to the boundaries of the district. The social evil was as prevalent in the uptown hotels and the painted woman as frequently seen in the residence districts as ever. In addition, the vice district had become a veritable breeding place of crime, and the police department had become corrupted and demoralized. The then chief of police has since

been convicted of accepting a bribe and is now serving his sentence of from three to ten years in the state penitentiary at Walla Walla. Even the city health department had been dragged in for use as a means of collecting a weekly fee of two dollars and fifty cents per woman in the district through a weekly examination and issuance of a certificate, which would have been farcical had it not been fraught with such serious consequences. Open gambling was permitted under police protection within a few blocks of the city hall.

It is not my purpose or desire to go into further details of the conditions then existing than is absolutely necessary to show what the recall actually accomplished. Every loyal citizen of Seattle interested in good, clean, honest, efficient government would be glad to forget the few months of the Gill regime.

Another but less important matter added fuel to the flames of the recall sentiment. Mr. Gill had appointed as superintendent of lighting an employee of the Seattle Electric Company. Now it so happens that the City of Seattle owns and operates a municipal electric light and power plant which competes directly with the Seattle Electric Company. It was hotly charged that this superintendent was conducting the municipal plant solely in the interest of its private competitor.

Under the conditions which I have very briefly described, certain citizens opposed to their continuance, organized a public welfare league. This league with great care proceeded to gather its evidence. When compiled, the whole in great detail was submitted to Mayor Gill, who refused to act. The league then went into court, and on this evidence secured an injunction against the district. As in many cities, the council possessed the power of impeachment, but very naturally felt no inclination to take proceedings against a fellow official and former colleague. In this situation Seattle was confronted by the emergency which the recall was designed to meet. Though adopted in 1906, the law had remained unused, and almost forgotten. It was thought that it could not be operated successfully, and, in fact, Gill and his friends scouted the very idea that a sufficient petition could be secured. On the other side, the work was pushed with great earnestness for two months or more. Shortly before the filing of the petition, the women of Washington were enfranchised. About six hundred registered immediately, and signed the petition, although it proved to be sufficient without them. Gill made the

political blunder of rushing into court for an injunction to prevent the election. Refused relief in the state court, he added to his first blunder by turning to the federal court, where Judge C. H. Hanford granted him an injunction, and refused to permit the filing of a supersedeas bond on appeal. Jurisdiction by the federal court had been obtained by instituting the suit in the name of one Scobey, a resident of Indiana, claiming to own property in Seattle which would be taxed a few cents extra if this election were held. This interference with a local election through an outsider and by the federal court aroused great indignation throughout the city. The matter was at once carried before a judge of the circuit court of appeals, who permitted the filing of a supersedeas bond, and indicated that he disagreed with Judge Hanford on the merits. Perceiving that the election would be held in spite of Scobey, Gill had the case dismissed.

In the meantime, the city council had fixed the day of the election, and a bitter campaign had been begun. George W. Dilling, a business man of excellent reputation and record, was persuaded to become the "recall candidate." The issue between the two men was fortunately a clean-cut moral issue, and it was, therefore, possible to crystallize all the moral sentiment of the community in opposition to Mr. Gill, who, of course, had the unstinted support of all the elements that profit through vice. At the election Dilling led Gill by 6,300 votes. Brown, the Socialist, received almost 5,000 votes.

The story of the second recall is briefer. The agitation for it resulted from the refusal of Mayor Dilling to force the chief of police to dismiss the head jailer, John Corbett, against whom many charges of cruel and inhuman conduct had been made. The mayor justified his refusal on the ground that practically all the offences charged antedated his administration; that the chief of police had, at his request, investigated the recent ones and the general conduct of the head jailer during his administration and had reported the charges to be unfounded, and Corbett a humane and efficient jailer. Corbett had a long record of nearly twenty years of service in the department; under civil service regulations his dismissal must be accompanied by charges of misconduct. From dismissal by the chief, Corbett had the right to appeal to the civil service commission for a hearing, at which time the chief would be required to submit his proof of the charges made. The chief felt that he had no proof to justify the dismissal of Corbett.

Finding the mayor firm, a citizen's recall association sent to him a written ultimatum to dismiss Corbett within five days or submit to a recall. To this the mayor paid no attention. The association then instituted an active campaign for signatures. At the same time, and for various reasons, petitions against four councilmen were also circulated. After about seven weeks' work, the petitions against the mayor and three of the councilmen were filed. The latter, as previously explained, were *prima facie* insufficient. The petition against the mayor contained 10,254 names, reduced to 7,295 by the check. At the end of the period allowed by the charter—in this case stretched to twelve days, including Labor Day and election day—a supplementary petition bearing 2,617 names was filed. The check showed 1,753 of these genuine, or 377 more than enough, had not the friends of Mayor Dilling gathered some eleven hundred withdrawals, 931 of which were actually filed before the check was complete. Only 527 of these were checked, as that was sufficient to show the petition finally insufficient, and the second recall a failure.

Taking a broad view of Seattle's experience, the first recall demonstrated to the unbelieving politician of the old school that this new democratic contrivance, which kept him while in office always subject to removal by his constituents—his employers—could be worked, and would be worked when necessary. The second recall opened the eyes of agitators to the fact that the recall in Seattle was intended for and could only be operated successfully in cases of great emergency. No ordinary difference of opinion could, even by the process of malicious exaggeration, be magnified into motive power for a recall. The second recall would never have approached success, even to the extent of securing an election, had it not been for two circumstances not contemplated by the framers of the recall law; first, a second recall between two successive general elections; second, the enfranchisement of the women between elections. At Dilling's election 62,322 votes were cast: twenty-five per cent of that number, or 15,581, could not have been obtained by the citizen's recall association. The charter, however, made the vote at the "last general municipal election" the basis upon which to calculate the number necessary to secure a recall. Thirty-four thousand six hundred and eighty-one votes having been cast for mayor at the last general municipal election, a sufficient petition demanded 8,671 genuine signatures—the same number called for on the petition

for the recall of Mayor Gill. Hereafter the number of names required will not be less than fifteen thousand—a sufficient number to deter any rash attempts, for be it known that it is anything but a simple matter to collect 15,000 valid names, even from 75,000 qualified voters. On the contrary, it is a very difficult task, calling for much voluntary labor, a considerable expenditure of money, involving no thanks and much bitter criticism, both personal and journalistic.

Both Seattle's experiences with the recall were necessary to teach the citizens its true purpose and uses. With those lessons it seems probable that the recall will remain an unused part of her charter for some time to come, but will be at all times a potential deterrent to disregard of platform promises and the moral sentiment of the community.

It is possible, of course, that the recall provision of the Seattle charter could be improved. I have pointed out two defects shown to exist upon its first trial and corrected at once by state law. I have shown how ineffective is the "oath" to the signatures. Some think that much greater safeguards should be thrown around the collection of signatures. They point out that sixteen per cent of the names on the Gill petition were rejected, twenty-nine per cent of those on the main Dilling petition, and over thirty-three per cent of those on the supplemental Dilling petition. But the fact is that only a few names were rejected on the ground that the signatures were forgeries. Practically all the rejections were due to the carelessness of the signers or collectors in writing initials or addresses, or in failing to register. Doubtless the fact that the collectors were paid ten cents a name aggravated the evil. It was not feasible to wait until the comptroller checked the names and pay the collector on the basis of those passed by him as geniune. Any signature which looked like the name of a voter was worth ten cents. There were some, moreover, perhaps many, who signed in jest or with intentional carelessness, impatient to be rid of the solicitor or desirous of pleasing a friend. Though the average of thirty per cent of rejections seems large, yet lawyers conversant with the carelessness of the ordinary individual in signing deeds, mortgages, and other important legal documents, will not be greatly surprised at the amount of carelessness exhibited in the hasty signing of mere petitions.

It is thought that citizens sign petitions too readily, and without

proper consideration, and in proof of this it is pointed out that eleven hundred changed their minds and withdrew their names from the Dilling petition. But it must not be forgotten that the recall is a new democratic institution—that petitions have heretofore been harmless. After two experiences with the recall, the citizens of Seattle, realizing that a recall means political commotion, an interruption to business, and increased taxes, will be slow to affix their signatures unless really in earnest.

Those who believe the recall vicious frequently fail to come out with a frank statement of their open opposition to it, but suggest amendments, which, though plausible, would render the recall ineffective and unworkable. The suggestions made usually embody an increase in the percentage of signatures required, or the provision that all must go to the city hall to sign, or that those signing be restricted to those who voted for the incumbent but have since changed their minds; the fact that they voted for the incumbent to be determined by the oath of the signer. Most of the changes are fathered by enemies of the recall principle, and almost any of them would kill it effectually. The recall is of value only so long as it is readily workable. Make it more difficult to institute than at present in Seattle, and you have relegated it to the political scrap heap along with the "impeachment." The working of the recall in Seattle has justified it as a democratic political institution, has demonstrated its usefulness by permitting the people summarily to remove from office a mayor who was violating his campaign promises, debauching the city health department, demoralizing the police department, and conducting the city government contrary to the desires of the majority of the citizens, whose government it was, and in utter disregard of the moral sentiment of the community. The removal of such a man was a triumph of democracy, and the instrument of his removal proved to be of invaluable assistance to good municipal government in Seattle.